UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,576	03/01/2002	Richard P. Mangold	884.622US1	3907

7590   01/26/2007
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EXAMINER
DADA, BEEMNET W

ART UNIT	PAPER NUMBER
2135	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>23 October 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-25</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-25</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   In view of the Appeal Brief filed on 10/23/2006, PROSECUTION IS HEREBY

REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following

two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37

CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a

supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132)

or other evidence are permitted. See 37 CFR 1.193(b)(2). Claims 1-25 are pending

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public
use or on sale in this country, more than one year prior to the date of application for patent in the United
States.

3.   Claims 1-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Blatter et al US

5,878,135 (hereinafter Blatter).

4.   As per claim 1, Blatter teaches a method, comprising:

parsing a data stream to find a predefined synchronization point within the data stream (i.e., parsing packet data to find a **header**) [column 10, lines 17-30 and column 5, lines 47-50]; and

placing non-compliant data near the synchronization point in the data stream (i.e., inserting encryption codes near the header in the data stream) [column 5, lines 47-50 and column 10, lines 17-30]; wherein the data stream is decodable by a compliant decoder, after the non-compliant data is replaced with compliant data (i.e., after the encryption codes have been substituted with MPEG compatible data) [column 10, lines 1-7, 19-47].

5.   As per claim 5, Blatter teaches a method, comprising:

receiving a portion of a data stream and parsing the portion of the data stream to find a synchronization point within the data stream (i.e., parsing received data stream packet data to find a **header**) [column 10, lines 17-30 and column 5, lines 47-50];

retrieving non-compliant data near the synchronization point (i.e., retrieving encryption codes near the header) [column 10, lines 19-47]; and

replacing non-complaint data in the data stream (i.e., substituting encryption codes with MPEG compatible data) [column 10, lines 1-7, 19-47].

decrypting the portion of the data stream [column 13, lines 29-50]:

6.   As per claim 8, Blatter teaches a system, comprising:

an authoring device to use key information to encrypt a portion of a data stream [column 8, line 67-column 9, line 10]; and

a consumption device in communication with the authoring device, the consumption

device to use the key information to decrypt the portion of the data stream and to replace the

key information with compliant data [column 10, lines 1-7, 19-47 and column 13, lines 29-50].

7.   As per claim 11, Blatter teaches a system, comprising:

an authoring device to create a data stream [column 2, lines 49-53];

an encryption tool to embed key information near each synchronization point in the data

stream and to encrypt a portion of the data stream associated with each synchronization point

[column 5, lines 47-50 and column 10, lines 17-30]; and

a consumption device to retrieve key information near each synchronization point in the

data stream and to replace the key information with compliant data and to use the key

information to decrypt the data stream [column 10, lines 1-7, 19-47 and column 13, lines 29-

50].

8.   As per claim 14, Blatter teaches a machine-accessible medium having associated

content capable of directing the machine to perform a method, the method comprising:

parsing a first data stream to find a packetized elementary stream (PES) header, the

PES header associated with at least some payload data (i.e., parsing received data stream

packet data to find a **header**) [column 10, lines 17-30 and column 5, lines 47-50];

. copying the first data stream to a second data stream [column 12, line 60-column 13,

line 21]; and

selectively inserting compliant data into the second data stream after the PES header, to

hold key information associated with the PES header [column 10, lines 1-7, 19-47].

9.   As per claims 20 and 25, Blatter teaches a method/ machine readable medium,

comprising transmitting a data structure to a consumption device, the data structure including

      a header [column 10, lines 1-5];

      key information separate from and associated with the header for use in decryption

[column 10, lines 8-31]; and

      a payload associated with the header, the payload capable of being encrypted using the

key information [column 5, lines 47-50 and column 10, lines 17-30].

10.   As per claims 2-4, 6, 7 and 21-24, Blatter further teaches the method further comprising

encrypting/decrypting a portion of the data stream and transmitting the portion of the data

stream and wherein the non-compliant data is key information that is used in encrypting and

decrypting [column 8, line 67-column 9, line 10].

11.   As per claim 9, 10, 12 and 13, Blatter further teaches the method further comprising a

decoding device in communication with the consumption device to decode the portion of the

data stream and wherein the consumption device is configured to retrieve the key information

from the portion of the data stream [column 13, lines 25-57].

12.   As per claims 15-19, Blatter further teaches the medium wherein the method further

comprising parsing a data stream to find a predefined synchronization point within the data

stream (i.e., parsing packet data to find a header) [column 10, lines 17-30 and column 5, lines

47-50]; and placing key information near the synchronization point in the data stream (i.e.,

inserting encryption codes near the header in the data stream) [column 5, lines 47-50 and

column 10, lines 17-30]; wherein the data stream is decodable by a compliant decoder, after

the key information is replaced with compliant data (i.e., after the encryption codes have been

substituted with MPEG compatible data) [column 10, lines 1-7, 19-47].

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's
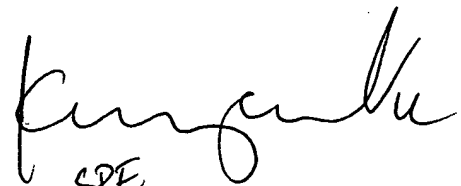
disclosure. See PTO Form 892.

Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Beemnet W. Dada whose telephone number is (571) 272-3847. The

examiner can normally be reached on Monday - Friday (9:00 am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kim Y. Vu can be reached on (571) 272-3859. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you

would like assistance from a USPTO Customer Service Representative or access to the

automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Beemnet W Dada

January 20, 2007

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